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SIPDIS

SENSITIVE

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TAGS: [PHUM](#) [SMIG](#) [ASEC](#) [PREF](#) [ELAB](#) [KCRM](#) [KWMN](#) [KFRD](#) [YM](#) [TRAFFICKING](#) [PERSONS](#)

SUBJECT: TRAFFICKING IN PERSONS REPORT -- YEMEN

REF: A. SECSTATE 07869

[B](#). SANAA 505

[C](#). 02 SANAA 2848

[D](#). 02 SANAA 2028

[1](#)1. (SBU) Following is Post's response to ref A questions.

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Overview  
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[1](#)2. (SBU) Ref A para 18 (Overview of a Country's Activities to Eliminate Trafficking in Persons)

[1](#)A. Yemen may be a country of origin, transit and destination for internationally trafficked persons. In the past, trafficking has not been a known problem in Yemen, but some indications exist that one may be emerging.

Several cases of children being trafficked within Yemen and to Saudi Arabia for street begging were caught by ROYG in 2002 (confirmed) and perhaps in 2003 and 2004 (unconfirmed). These cases involve smugglers known to families who allow their children to be taken for begging purposes. The Ministry of Interior (MOI) has made arrests in several cases and given instructions for police to investigate and stop the practice. In addition, several ROYG ministries are working with UNICEF to investigate the problem.

In 2003 and 2004, increasing numbers of prostitutes, particularly from Iraq, may point to a possible problem with sex trafficking. Unreliable and unconfirmed estimates from several sources place the number of prostitutes from 1,000 to as high as 5,000 in Yemen. The increase is directly related to the new development of Iraqi women acting as prostitutes. The prostitution appears organized, although by whom or what is unknown at this time. Two prostitutes told Emboffs they were forced via threats against their family in Iraq to become prostitutes. It is unknown but suspected that some prostitutes may be under unreasonable debt bondage or underage. The ROYG has begun an investigation (ref B).

Smuggling of migrants from the Horn of Africa (HOA) is a problem, although there is no evidence that any are forced into prostitution or exploitative labor. The ROYG is aware of the smuggling problem, and treats those who arrive in Yemen as prima facie refugees.

Numbers of possibly trafficked persons are impossible to estimate accurately. Yemen has poor government infrastructure and little ability to collect and maintain reliable statistics. Children affected in the 2002 cases numbered 20, with no confirmed information on further cases of child smuggling in 2003-2004. While the number of prostitutes is estimated to be between 1000 and 5000, Post can only confirm two instances where Iraqi prostitutes indicated they were forced.

[1](#)B. The children smuggled were trafficked from areas in northern Yemen near the Saudi border to Saudi Arabia by persons known to their families for begging purposes. The prostitutes who might be trafficked come primarily from Iraq. Other prostitutes and migrants come from Horn of Africa (HOA) countries such as Ethiopia, Somalia and Eritrea.

[1](#)C. Post became aware of an increase in the numbers of Iraqi prostitutes in Yemen in late 2003. Although it is unclear how many of these prostitutes fit the trafficking definition, it is likely that the sex trafficking problem increased in scope.

[1](#)D. The ROYG and UNICEF have undertaken a project to examine the nature and extent of possible internal and external child smuggling. The project is in its nascent stages, with survey work beginning in March 2004.

ROYG ministerial officials were unaware of any possible problem with sex trafficking until Post began raising it in January 2004. In February 2004, the Minister of Human Rights informed Ambassador that an investigation by relevant ROYG ministries into possible sex trafficking had begun (ref B). Because trafficking is a nascent issue in Yemen, no surveys

or reports have been available previously.

**1E.** The prostitutes that may be trafficked into Yemen live mostly in Aden and Sana'a. In Aden, they provide their services through hotels and clubs. In Sana'a, brothels are normally found in houses, although some services can be obtained at major hotels. It is not known what conditions they might live in when not at work.

Two Emboffs were told by two different Iraqi prostitutes that they were forced into prostitution via threats against their families in Iraq. In addition, the prostitution rings appear to be well-organized. One source reported that the Iraqi women are brought into Yemen on three-month rotations (see classified reporting). It is not known whether any are subject to debt bondage. It is not confirmed but suspected by one source that some may be under the age of 18 (marriage age in Yemen is 15).

**1F.** Ministry of Interior forces caught persons who were smuggling children across the Yemen border to Saudi Arabia for the purposes of begging. MOI arrested 8 persons in three incidents involving 20 children. According to several sources, including non-governmental, the smugglers were from the same areas as the children and known to the families, in some cases relations. The families let their children go for begging because they live in extreme poverty and they were either given or promised money. There is no/no evidence that any children have been smuggled against their families knowledge, nor is there evidence that any children did not return to their families. MOI explained to the families that smuggling was illegal. As with the child labor problem (ref D), Yemeni culture and tradition do not lend themselves to the understanding that these issues are wrong.

**1G.** Trafficking in persons is not/not a high-profile issue in Yemen because it has not been a problem in the past, the scope of the problem now is unknown, and counterterrorism is their primary concern. However, high-level ROYG political will to combat trafficking was recently evidenced by 1) active cooperation with UNICEF on a study to examine child smuggling, including minister-level instructions given to MOI offices in remote governorates to help gather statistics; and 2) an immediate response to Post's queries about the possibility of Iraqi prostitutes being trafficked via A) the decision to require entry visas for Iraqis (ref B); and B) an immediate investigation launched into possible sex trafficking (ref B).

Because trafficking has not been a problem in the past, it is unknown whether the ROYG would be willing to take action against government officials if they were involved in trafficking.

**1H.** It is unknown whether individual members of government forces facilitate or condone trafficking. Should the prostitution issue be confirmed to contain incidents of sex trafficking, it is possible that some government officials would have been aware or involved, including customs and border officials as well as law enforcement and the military. For example, hotels in Aden where prostitutes ply their trade are always monitored by MOI and Political Security Organization (PSO) officers. Corruption is a problem in Yemen.

**1I.** The ROYG's ability to combat trafficking faces several limitations, including extreme poverty, porous borders with Saudi Arabia and along its 1400 km coastline, and lack of training for police and security officials in identifying and preventing cases of trafficking.

**1J.** The ROYG does not systematically monitor or report its anti-trafficking efforts, because it was not/not a problem in the past.

**1K.** All aspects of prostitution are illegal and criminalized, including the activities of the brothel owner/operator and others. See para 4.

**1L.** Marriage age in Yemen is 15 years old. Young marriage is a problem, particularly in rural areas where by tradition girls can marry as young as 13 years old. However, these instances of young marriage do not seem to fit the parameters of buying and selling of "child brides," but rather come from Yemen's traditional society. There is no evidence that Yemenis go abroad to purchase "child brides."

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Prevention  
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**13.** (SBU) Ref A para 19 (Prevention)

**1A.** The issue of trafficking in persons is too new for the ROYG to admit to an overall problem because ROYG officials both lack understanding of the issue and do not yet know the

scope and type of any potential problem. However, when specific problems arise, such as child smuggling, the ROYG has admitted to a possible problem and taken action against it, e.g., arrests and prosecution of the child smugglers and undertaking a study to examine the issue. When Post raised the issue of possible trafficking of Iraqi prostitutes and noted the difficulty of tracking numbers and cases because Iraqis were not required to have a visa, the ROYG responded within weeks by issuing a ruling to require entry visas for Iraqis (ref B).

1B. ROYG agencies involved with any anti-trafficking efforts would include: Ministries of Human Rights, Interior (including immigration and border control), Labor and Social Affairs, Foreign Affairs, Justice; the Prosecutor General.

1C. Because trafficking was not/not a problem, the Government has not run any anti-trafficking information or education campaigns.

1D. Yes, the ROYG supports many programs that indirectly help prevent trafficking problems, although they are not specifically targeted at trafficking. For example, several programs on women's literacy, combating violence against women and increasing women's rights have been supported by the ROYG and NGOs. Combating child labor is a ROYG priority (see para F below).

1E. As a poor country, Yemen's ability to support prevention programs is limited.

1F. Because trafficking has not been a problem, there is no relationship per se between the ROYG and NGOs on the trafficking issue. However, generally the ROYG and NGOs cooperate closely on related issues such as combating violence against women, promoting women's rights and children's work. For example, the U.S. Department of Labor funded ILO-International Program for the Elimination of Child Labor (IPEC) program combating child labor in Yemen cooperates with ROYG entities and with local NGOs working on similar issues (ref D).

1G. In response to the attack on the USS Cole in 2000 and the 9/11 attacks, the ROYG embarked on a comprehensive border control improvement program with U.S. assistance. Yemen's borders are ocean, rugged mountains and desert, which are very difficult to control. Smuggling and illicit trade are problems. Border agreements with Saudi Arabia and Oman were agreed in 2000, with border demarcation proceeding. The U.S. is assisting the ROYG with border control through the Terrorist Interdiction Program (TIP), using the Pisces system, and through assistance to establish a Yemeni Coast Guard to patrol the seas. While border control improvements began in response to the terrorist threat in Yemen, increased border control has the added affect of improving the ROYG's ability to identify and prevent instances of trafficking should they exist.

At the same time, effective border control remains nascent and the ability to monitor emigration and immigration patterns for trafficking is limited. A U.S. training program in this regard may be warranted.

1H. Because trafficking in Yemen has not been a problem, there is no inter-agency working group or task force to combat the problem. Should a task force be established, it would likely involve the entities listed in para 3.B. above and be coordinated by the Minister of Human Rights.

1I. Because trafficking has not been a problem, the ROYG does not coordinate with multinational or international working groups to prevent, monitor and control trafficking. At the same time, the ROYG is actively involved with related groups, such as the UN Commission on Human Rights.

1J. Because trafficking has not been a problem, the ROYG does not have a national plan of action to address the issue.

1K. Because trafficking has not been a problem, the ROYG does not have a specific person or entity identified that is responsible for developing anti-trafficking programs. However, as noted above, any efforts in this regard would likely be coordinated by the Minister of Human Rights, who has broad responsibilities to improve human rights in Yemen (ref C).

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Investigation and Prosecution  
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14. (SBU) Ref A para 20 (Investigation and Prosecution of Traffickers)

1A. Article 248 of the Yemeni Penal Code stipulates a jail sentence of 10 years for "anyone who buys, sells, or gives as a present, or deals in human beings; and anyone who brings into the country or exports from it a human being with the

intent of taking advantage of him." Article 249 punishes kidnappers for seven years, with the death penalty in cases where the kidnapping included killing or sexual assault. Article 280 provides sentences of 15 years to death in the second offense for persons who "accept adultery for his wife, female members of his family or those he is taking care of," which presumably could be used to punish sex traffickers. Persons accused of trafficking, especially that involving coerced labor or prostitution, would also presumably be in violation of Article 47 of the Yemeni Constitution, which stipulates that "the State shall guarantee to its citizens their personal freedom, preserve their dignity and their security...personal freedom cannot be restricted without the decision of a competent court of law." Article 161 of the Child's Rights Law imposes upon the State to "protect the child from all forms of sexual molestation and economical disadvantage" and to protect the child from carrying out immoral activities or using them in prostitution or molestation or other illegal activities.

The Constitution prohibits forced or compulsory labor.

While only Article 248 appears to explicitly punish trafficking, the other articles outlined above could presumably be used as well.

**B.** The penalty for traffickers under Article 248 is up to ten years in prison, while other offenses carry penalties up to and including the death penalty.

**C.** The penalty for rape by an individual is up to seven years in prison. If the rape is committed by two or more persons, the punishment is a minimum of two years and a maximum of ten years. If the victim is less than 14 years old, the penalty is a minimum of three years and a maximum of 15.

**D.** In 2002, the ROYG arrested 8 persons for attempting to smuggle 20 children to Saudi Arabia for begging purposes. The Ministry of Interior (MOI) reported that most of the arrestees were related to those children recovered from their custody (mostly elder brothers) and provided the names of those arrested and those children recovered to Post. The children were returned to their families, who had allowed the children to be taken, and MOI held discussions with the families to explain why what they were doing was wrong. MOI also issued a circular to the governorates that border Saudi Arabia instructing MOI offices to be alert to the problem of child smuggling and to arrest perpetrators.

MOI indicated that those arrested in 2002 were referred to the judicial authorities. Post was unable to obtain confirmation from the General Prosecutor or Ministry of Justice on the status of these cases in time for this report. This inability to provide detailed case information is not surprising. The Yemeni judicial system is fragmented and disorganized, with court decisions still hand-written and court records decentralized among individual clerks within courts. Post will report such information when it becomes available.

In 2003, the Minister of Justice issued circular 13 for 2003 to the Heads of Appeals courts of all governorates in which he noted that rulings issued by primary courts against kidnappers and smugglers did not correspond with the "size and danger" of the phenomenon of smuggling.

**E.** Regarding child smuggling, research is underway to determine the scope and methods of such operations (see para 2) but initial indications are that smugglers are free-lance operators who are often related to the children in question or at minimum well-known to the families. It would appear that such smuggling is due to dire economic conditions and is not organized internationally or related to large crime syndicates.

Regarding possible sex trafficking, the problem is too new to determine yet who might be behind the trafficking. One source identified a particular company, but that information is not corroborated (see classified reporting). Regarding migrant smuggling that could possibly include instances of trafficking, it is unknown who might be behind the trafficking.

**F.** The ROYG has actively investigated instances of child smuggling (see para 4.D above). The ROYG has launched an investigation into possible sex trafficking (ref B). Overall, however, because trafficking has not been considered a problem in Yemen, the ROYG's investigative focus has been on counterterrorism rather than trafficking. In addition, the MOI's abilities in investigation and surveillance remain limited and rudimentary.

**G.** Because trafficking has not been a problem in Yemen, Post does not believe specialized training has been provided. Should such training be identified as necessary, Post would

welcome ideas on how U.S. assistance might help because the ROYG's capabilities in this regard are limited.

¶H. Because trafficking has not been a problem in Yemen, it is doubtful that the ROYG formally cooperates with other governments on TIP.

¶I. Post is unaware of any extradition of persons charged with trafficking to other countries. The ROYG maintains active counterterrorism cooperation with several countries, including Saudi Arabia and Egypt, where some wanted persons have been exchanged. However, under the Constitution, Yemeni citizens cannot be extradited to another country.

¶J. Post cannot confirm any government involvement in or tolerance of trafficking. However, should the prostitution problem be identified as sex trafficking, it is likely that low-level ROYG officials would have been, at minimum, aware of it because most prostitution takes place in hotels where there is a large presence of both Ministry of Interior and Political Security Organization officers.

¶K. Because it is not confirmed that government officials are involved in trafficking, no steps have been taken by the ROYG to end such participation. The ROYG is undergoing an investigation into possible sex trafficking that may uncover low-level government involvement.

¶L. The government signed and ratified ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in 1999. It ratified the Slavery Convention of 1926 in 1987, and the Convention for the Suppression of the Traffic in Persons and Exploitation of the Prostitution of Others in 1989. Yemen ratified the Rights of the Child Convention in 1991. The ROYG has signed but not yet ratified the Optional Protocol to the Convention on the Rights of the Child on Sale of Children and Optional Protocol to the Convention on the Rights of the Child in Armed Conflict in 1991.

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Protection and Assistance to Victims  
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¶5. (SBU) Ref A para 21 (Protection and Assistance to Victims)

A-I. Because trafficking has not been a problem in Yemen, questions A-I in paragraph 21 of ref A do not yet apply in Yemen. No NGOs address this problem specifically (see para 3). The children recovered from the child smuggling incidents were returned to their families. The possible sex trafficking problem is too new to establish what, if any, aid to victims might be provided. Post will seek information from G/TIP to give to the ROYG about what kind of assistance ROYG should provide that best meets international standards in case a problem is confirmed.

HULL